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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,110	12/28/1998	MONICA PATEL	91436-139	5133

7590 02/27/2003
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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/221,110

Applicant(s)

PATEL ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 October 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Prosecution Application

The request filed on 25 October 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/221,110 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 25 October 2002 have been disapproved. Item 10 of Figure 1 should be labeled "switch" as noted in the specification, page 5. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert (US 5,333,183) in view of Gardner (US 5,535,200).

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2. Regarding claims 1, 4-7 and 15-17, Herbert discloses a method of requesting operations and management data from a telephony switch (col. 11, lines 57-61) at a computing device (Figures 4-6 and 9, item 8). However, Herbert does not disclose that the data is requested over a packet network. Gardner discloses transmitting signaling information within a telephone network via signaling packets (abstract, Figure 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit telephone network signaling information via a packet-switched network in the invention of Herbert in view of Gardner in order to improved the transmission of signaling information by providing packet switching efficiencies and resource sharing capabilities. Further, Herbert in view of Gardner does not disclose each switch having a packet-switched address. One skilled in the art would recognize that addressing is widely used to identify network nodes and route data to an appropriate node within a network. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have packet-switched addresses identifying telephony switches in the invention of Herbert in view of Gardner in order to flexibly route data among several nodes across a network. Still further, Herbert in view of Gardner does not disclose a first message identifier type and a second message identifier type as claimed. One skilled in the art would recognize that various management fields are typically used to identify the intended function of a packet as well as actions to be performed by the destination based on available command options. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have different message identifiers for a packet in the invention of Herbert in view of Gardner in order to request or command the destination to perform a specified action.

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3. Regarding claims 2-3 and 9-10, Herbert in view of Gardner does not disclose providing a security exchange for the connection between the telephony switch and the computing device which communicates login information to the telephony switch. One skilled in the art would recognize that authentication is used to generally prevent unauthorized access to a system. Therefore, it would have been obvious to one skilled in the art for a computing device to be authenticated by the telephony switch in the invention of Herbert in view of Gardner to protect or secure information stored on the telephony switch.

4. Regarding claim 8, Herbert in view of Gardner does not disclose an alphanumeric identifier of the telephony switch. One skilled in the art would recognize that addressing by an alphanumeric MAC address is often used to route packet data because the MAC address is often uniquely and permanently assigned to each device during manufacturing. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use an alphanumeric identifier to route packets in the invention of Herbert in view of Gardner in order to reliably route packets to destinations based on unique and permanent addresses.

5. Regarding claim 11-13, Herbert discloses a method of requesting operations and management data from a telephony switch (col. 11, lines 57-61) at a computing device (Figures 4-6 and 9, item 8). However, Herbert does not disclose that the data is requested over a packet network. Gardner discloses transmitting signaling information within a telephone network via signaling packets (abstract, Figure 1) . Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit telephone network signaling information via a packet-switched network in the invention of Herbert in view of Gardner in order to improved the transmission of signaling information by providing packet switching efficiencies

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and resource sharing capabilities. Further, Herbert in view of Gardner does not disclose having a first connection and second connection simultaneously with the telephony switch. One skilled in the art would recognize that multiple connections between different devices is typically used for transferring data related to separate tasks. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow multiple connections between a telephony switch and a computing device in the invention of Herbert in view of Gardner in order to beneficially communicate in more than one connection simultaneously. Further, Herbert in view of Gardner does not disclose that the first and second connection carry information of differing priorities. One skilled in the art would recognize that information of various connections may differ (such as high importance data that is time-sensitive and low importance data which is not critically time-sensitive). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have multiple connections with differing priorities in the invention of Herbert in view of Gardner in order to give transmission priority to important or urgent data.

6. Regarding claim 14, Herbert in view of Gardner does not disclose a predefined format for the data packets. One skilled in the art would recognize that various management fields are typically used to identify the intended function of a packet as well as actions to be performed by the destination based on available command options. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to a predefined format for the data packet in the invention of Herbert in view of Gardner in order to request or command the destination to perform a specified action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



February 24, 2003

